

SENATE BILL 1082

E3

2lr3340
CF HB 860

By: **Senator Forehand**

Introduced and read first time: March 5, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Children in Need of Assistance – Sexual Abuse – Definition**

3 FOR the purpose of altering the definition of “sexual abuse” for provisions of law
4 relating to children in need of assistance, child abuse, and child neglect to
5 include certain actions relating to human trafficking, obscene material,
6 pornography, and prostitution; and generally relating to child sexual abuse.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–801(a) and 3–802(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–801(x)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Family Law
19 Section 5–701(a) and 5–702
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Family Law
24 Section 5–701(x)
25 Annotated Code of Maryland
26 (2006 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 3–801.

5 (a) In this subtitle the following words have the meanings indicated.

6 (x) (1) “Sexual abuse” means an act that involves sexual molestation or
7 sexual exploitation of a child by:

8 (i) A parent or other individual who has permanent or
9 temporary care or custody or responsibility for supervision of the child; or

10 (ii) A household or family member.

11 (2) “Sexual abuse” includes:

12 (I) **ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:**

13 1. **OBSCENE PHOTOGRAPHY, FILMS, POSES, OR**
14 **SIMILAR ACTIVITY;**

15 2. **PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES,**
16 **OR SIMILAR ACTIVITY; OR**

17 3. **PROSTITUTION;**

18 (II) **HUMAN TRAFFICKING;**

19 [(i)] (III) Incest;

20 [(ii)] (IV) Rape;

21 [(iii)] (V) Sexual offense in any degree;

22 [(iv)] (VI) Sodomy; and

23 [(v)] (VII) Unnatural or perverted sexual practices.

24 3–802.

25 (a) The purposes of this subtitle are:

1 (1) To provide for the care, protection, safety, and mental and physical
2 development of any child coming within the provisions of this subtitle;

3 (2) To provide for a program of services and treatment consistent with
4 the child's best interests and the promotion of the public interest;

5 (3) To conserve and strengthen the child's family ties and to separate
6 a child from the child's parents only when necessary for the child's welfare;

7 (4) To hold parents of children found to be in need of assistance
8 responsible for remedying the circumstances that required the court's intervention;

9 (5) Except as otherwise provided by law, to hold the local department
10 responsible for providing services to assist the parents with remedying the
11 circumstances that required the court's intervention;

12 (6) If necessary to remove a child from the child's home, to secure for
13 the child custody, care, and discipline as nearly as possible equivalent to that which
14 the child's parents should have given;

15 (7) To achieve a timely, permanent placement for the child consistent
16 with the child's best interests; and

17 (8) To provide judicial procedures for carrying out the provisions of
18 this subtitle.

19 Article – Family Law

20 5–701.

21 (a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle
22 the following words have the meanings indicated.

23 (x) (1) “Sexual abuse” means any act that involves sexual molestation or
24 exploitation of a child by a parent or other person who has permanent or temporary
25 care or custody or responsibility for supervision of a child, or by any household or
26 family member.

27 (2) “Sexual abuse” includes:

28 (I) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:

29 1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR
30 SIMILAR ACTIVITY;

1 **2. PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES,**
2 **OR SIMILAR ACTIVITY; OR**

3 **3. PROSTITUTION;**

4 **(II) HUMAN TRAFFICKING;**

5 **[(i)] (III) incest[.];**

6 **(IV) rape[.]; [or]**

7 **(V) sexual offense in any degree;**

8 **[(ii)] (VI) sodomy; and**

9 **[(iii)] (VII) unnatural or perverted sexual practices.**

10 **5-702.**

11 The purpose of this subtitle is to protect children who have been the subject of
12 abuse or neglect by:

13 (1) mandating the reporting of any suspected abuse or neglect;

14 (2) giving immunity to any individual who reports, in good faith, a
15 suspected incident of abuse or neglect;

16 (3) requiring prompt investigation of each reported suspected incident
17 of abuse or neglect;

18 (4) causing immediate, cooperative efforts by the responsible agencies
19 on behalf of children who have been the subject of reports of abuse or neglect; and

20 (5) requiring each local department to give the appropriate service in
21 the best interest of the abused or neglected child.

22 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
23 **October 1, 2012.**